

PSJ2 Exh 136

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

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5 IN RE: NATIONAL :
PRESCRIPTION : MDL No. 2804
6 OPIATE LITIGATION :
_____ : Case No.
7 : 1:17-MD-2804
THIS DOCUMENT RELATES :
8 TO ALL CASES : Hon. Dan A. Polster

9 - - -

10 Monday, January 7, 2019
11 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

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13
14 Videotaped deposition of TOM NAMETH, held at
15 the offices of Cavitch, Familo & Durkin,
16 1300 East Ninth Street, Cleveland, Ohio, commencing at
17 9:03 a.m., on the above date, before Carol A. Kirk,
18 Registered Merit Reporter and Notary Public.

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22
23 GOLKOW LITIGATION SERVICES
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24 deps@golkow.com

1 DDM didn't identify suspicious orders or stop
2 them before they went out, right?

3 MR. JOHNSON: Objection.

4 Q. So that it could stop them before
5 they went out?

6 A. So that they could stop them
7 before they went out?

8 Q. Correct.

9 A. Yeah.

10 Q. Okay. They didn't?

11 A. They didn't what?

12 Q. This is like a Monty Python movie,
13 right? Sometimes. Let me ask the question
14 again.

15 So your testimony is that you
16 don't know whether DDM had the tools necessary
17 to identify suspicious orders and stop them
18 before they went out, right?

19 A. Correct.

20 Q. Okay. So you would also agree
21 that DDM did not identify suspicious orders in a
22 way that would allow them to stop them before
23 they went out, right?

24 MR. JOHNSON: Objection.

1 Q. And I think you said yes?

2 A. Yes.

3 Q. Okay. You would agree that DDM's
4 in the best position to ensure that any
5 suspicious orders placed within its business are
6 reported to the Ohio State Board and the DEA,
7 right?

8 A. Yes.

9 Q. Okay. Do you know what the most
10 dispensed drug was at DDM pharmacies, let's say
11 in 2014?

12 A. Offhand, no.

13 Q. Okay. Do you know what the most
14 dispensed controlled substance was?

15 A. I would -- I would be guessing if
16 I gave you an answer.

17 Q. Okay. Do you have a couple that
18 might be in the running?

19 A. Controlled drugs?

20 Q. Yeah.

21 A. It could have been a
22 codeine-containing cough syrup. Could have been
23 Ambien.

24 Q. Anything else?

1 says -- are you pointing specifically to orders
2 of unusual size, that particular aspect of it?
3 We never identified suspicious orders, so ...

4 Q. Did you ever have an order of
5 unusual size?

6 A. Yes.

7 Q. Okay. Did you ever report those
8 orders?

9 A. Not after we reviewed them, no.

10 Q. The answer to that question is you
11 never reported them, right?

12 A. We never reported a suspicious
13 order.

14 Q. Okay. So DDM had unusual --
15 orders of unusual size, right?

16 A. In this definition, it doesn't say
17 what unusual size is. Is unusual size 100
18 bottles in their definition or not? I mean,
19 that's very -- you know, you can determine
20 however you want the number on that. So ...

21 Q. But DDM defined unusual size to
22 orders on its own with its report that you
23 reviewed, didn't it?

24 A. We looked at higher than normal

1 A. On -- in a theft situation, we
2 caught it after the fact.

3 Q. And DDM has never reported a
4 single suspicious order to the DEA or the Ohio
5 State Board, right?

6 A. Correct.

7 Q. And DDM has never identified or
8 reported a single possible suspicious order
9 either, correct?

10 A. Correct.

11 Q. Okay. All right. Let's look at
12 Exhibit -- I think we're on 5.

13 MR. JOHNSON: 4 maybe.

14 MR. MULLIGAN: The last letter was
15 4.

16 MR. JOHNSON: You're right. I'm
17 sorry.

18 - - -

19 (DDM-Nameth Exhibit 5 marked.)

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21 BY MR. MULLIGAN:

22 Q. Okay. So this is an e-mail with
23 an attachment. The e-mail is DDM53874, and the
24 attached document is DDM53912. And I'll just